



22883

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

PTO/SB/30 (08-00)

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

| | |
|------------------------|---------------|
| Application Number | 09/411,683 |
| Filing Date | 10/4/1999 |
| First Named Inventor | Fraser et al. |
| Group Art Unit | 3629 |
| Examiner Name | Dixon, T. |
| Attorney Docket Number | 108.1001.02 |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

a. ☒ Previously submitted

i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on 3/14/2003

(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

iii. ☐ Other _____

b. ☐ Enclosed

i. ☐ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other _____

RECEIVED

APR 17 2003

GROUP 3600

2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months, Fee under 37 C.F.R. § 1.17(i) required)

b. ☐ Other _____

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0365

i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)

04/15/2003 EAREGAY1 00000019 09411683

ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

01 FC:1801

750.00 OP

iii. ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

c. ☒ Payment by credit card (Form PTO- 2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|----------------------|-----------------------------------|------------|
| Name (Print/Type) | Steven A. Swernofsky | Registration No. (Attorney/Agent) | 33,040 |
| Signature | | Date | 04/07/2003 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on: 04/07/2003

| | | | |
|-------------------|--------------|------|----------|
| Name (Print/Type) | JUDIE STOKER | | |
| Signature | | Date | 4-7-2003 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.



PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032

22883 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT TRADEMARK OFFICE

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$750.00)

Complete if Known

| | |
|----------------------|----------------|
| Application Number | 09/411,683 |
| Filing Date | 10/4/1999 |
| First Named Inventor | Fraser, et al. |
| Examiner Name | Dixon, T. |
| Art Unit | 3629 |
| Attorney Docket No. | 108.1001.02 |

RECEIVED
APR 17 2003
GROUP 3600

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit AccountDeposit
Account
Number
Deposit
Account
Name

50-0365

Swernofsky Law Group PC

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application required for this filing☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|--------------|--------------|----------|----------|------------------------|----------|
| 1001 | 2001 | 750 | 375 | Utility filing fee | |
| 1002 | 2002 | 330 | 165 | Design filing fee | |
| 1003 | 2003 | 520 | 260 | Plant filing fee | |
| 1004 | 2004 | 750 | 375 | Reissue filing fee | |
| 1005 | 2005 | 160 | 80 | Provisional filing fee | |

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Independent Claims | -20**= | X | |
| Multiple Dependent | -3**= | X | |

Large Entity

Small Entity

| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|--------------|--------------|----------|----------|---|----------|
| 1202 | 2202 | 18 | 9 | Claims in excess of 20 | |
| 1201 | 2201 | 84 | 42 | Independent claims in excess of 3 | |
| 1203 | 2203 | 280 | 140 | Multiple dependent claim, if not paid | |
| 1204 | 2204 | 84 | 42 | **Reissue independent claims over original patent | |
| 1205 | 2205 | 18 | 9 | **Reissue claims in excess of 20 and over original patent | |

SUBTOTAL (2) (\$)

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|--------------|--------------|----------|----------|--|----------|
| 1051 | 2051 | 130 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 2052 | 50 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 1053 | 130 | 130 | Non-English specification | |
| 1812 | 1812 | 2,520 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 | 1804 | 920* | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1805 | 1,840* | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 2251 | 110 | 55 | Extension for reply within first month | |
| 1252 | 2252 | 410 | 205 | Extension for reply within second month | |
| 1253 | 2253 | 930 | 465 | Extension for reply within third month | |
| 1254 | 2254 | 1,450 | 725 | Extension for reply within fourth month | |
| 1255 | 2255 | 1,970 | 985 | Extension for reply within fifth month | |
| 1401 | 2401 | 320 | 160 | Notice of Appeal | |
| 1402 | 2402 | 320 | 160 | Filing a brief in support of an appeal | |
| 1403 | 2403 | 280 | 140 | Request for oral hearing | |
| 1451 | 1451 | 1,510 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 2452 | 110 | 55 | Petition to revive - unavoidable | |
| 1453 | 2453 | 1,300 | 650 | Petition to revive - unintentional | |
| 1501 | 2501 | 1,300 | 650 | Utility issue fee (or reissue) | |
| 1502 | 2502 | 470 | 235 | Design issue fee | |
| 1503 | 2503 | 630 | 315 | Plant issue fee | |
| 1460 | 1460 | 130 | 130 | Petitions to the Commissioner | |
| 1807 | 1807 | 50 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 1806 | 180 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 8021 | 40 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 2809 | 750 | 375 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 2810 | 750 | 375 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 2801 | 750 | 375 | Request for Continued Examination (RCE) | \$750.00 |
| 1802 | 1802 | 900 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$750.00)

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-------------------|----------------------|-----------------------------------|--------|-----------|--------------|
| Name (Print/Type) | Steven A. Swernofsky | Registration No. (Attorney/Agent) | 33,040 | Telephone | 650-947-0700 |
| Signature | <i>SA Swernofsky</i> | | | Date | 04/07/2003 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.